THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 24350 OF 2005

DATED: 15.11.2005

Between:

M/s.Parveen Travels.

... PETITIONER

AND

The Secretary, Regional Transport Authority, Ongole, Prakasam District and another

... RESPONDENTS

ORDER:

The Bus of the petitioner bearing Registration No. PY 01-H-2999 was seized by the 3rd respondent, through Vehicle Check Report, dated 04.11.2005, on the grounds that the vehicle was plying as an express stage carriage violating the permit condition and that it does not possess the relevant documents. The petitioner challenges the seizure in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

A perusal of the Vehicle Check Report, dated 04.11.2005, discloses that certain irregularities in respect of the vehicle referred to above were noticed. The

liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 3rd respondent till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a. the Bus bearing Registration No.PY 01 H 2999, shall be released to the petitioner on his depositing a sum of Rs.15,000/- (Rupees Fifteen Thousand Only);

b. the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle till the proceedings in pursuance of the Check Report are finalized and that he shall produce the vehicle as and when required; and

c. the petitioner shall be entitled to ply the vehicle, if only it is covered by the requisite permit and necessary documents.

d. There shall be no order as to costs.

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15.11.2005

Note: Issue C.C. by tomorrow

(B/o)

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